

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JANIE R. ENEY,)
) CASE NO. C12-1535-JCC-MAT
Plaintiff,)
)
v.) REPORT AND RECOMMENDATION
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)
_____)

Plaintiff, proceeding *pro se* and *in forma pauperis*, filed a complaint seeking review of a decision of the Commissioner of the Social Security Administration. (Dkt. 3.) The Court, on December 5, 2012, issued an Order advising the parties of the briefing schedule and directing plaintiff to file an Opening Brief no later than January 4, 2013. (Dkt. 15.) The Court did not receive from plaintiff either an Opening Brief or a motion to extend the filing deadline and, on January 14, 2013, issued an Order directing plaintiff to show cause, within fourteen days of the date of the Order, why the Court should not enter judgment dismissing this case for failure to prosecute. (Dkt. 16.)

01 To date, the Court has not received any response to its Order to Show Cause or any other
02 submission from plaintiff. Accordingly, the Court recommends that this action be
03 DISMISSED without prejudice for failure to comply with a Court order and for failure to
04 prosecute. See Fed. R. Civ. P. 41(b) (allowing for involuntary dismissal for failure to
05 prosecute or failure to comply with federal rules or a court order); *Link v. Wabash R.R.*, 370
06 U.S. 626, 629-30 (1962) (court may dismiss for failure to prosecute *sua sponte*); and LCR 11(c)
07 (allowing for “sanctions as the court may deem appropriate[]” where a party fails, without just
08 cause, to comply with an order of the court).¹ A proposed Order accompanies this Report and
09 Recommendation.

10 DATED this 6th day of February, 2013.

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13 Mary Alice Theiler
14 United States Magistrate Judge
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22 ¹ The Court’s Order to Show Cause mistakenly indicated that dismissal for failure to prosecute would be pursuant to Federal Rule of Civil Procedure 4(m), a rule not applicable here.